

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 19, 2011

Lyle W. Cayce
Clerk

No. 10-10225
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DONATO SANTAMARIA,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:09-CR-169-1

Before JOLLY, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Donato Santamaria presents arguments that he concedes are foreclosed by *United States v. London*, 568 F.3d 553, 564 (5th Cir. 2009), *cert. denied*, 131 S. Ct. 631 (2010). The Supreme Court adopted the position advanced in *London*. See *Abbott v. United States*, 131 S. Ct. 18, 23 (2010) (holding that a defendant is subject to a mandatory, consecutive sentence for a conviction pursuant to 18 U.S.C. § 924(c) even if the defendant received a higher mandatory minimum on a different count of conviction). The

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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Government's motion for summary affirmance is GRANTED, its alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.